

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

DONNA HEAD

PLAINTIFF

VS.

CIVIL ACTION NO. 3:22cv373 DPJ-FKB

JAY R. NOTZ; NELSON
FREIGHT SERVICE, INC.
AND JOHN DOES 1-10

DEFENDANTS

NOTICE OF REMOVAL

To: Hon. Arthur S. Johnston, III
U.S. District Court Clerk
United States Courthouse
501 E. Court St., Suite 2.500
Jackson, MS 39201

Hon. Zack Wallace
Hinds County Circuit Clerk
P.O. Box 327
Jackson, MS 39205

Samuel F. Creasey, Esq.
Morgan & Morgan, P.A.
4450 Old Canton Rd., Suite 200
Jackson, MS 39211

PLEASE TAKE NOTICE, that Defendants Jay R. Notz and Nelson Freight Service, Inc. (collectively "Defendants"), by and through counsel, pursuant to 28 U.S.C. §§ 1331, 1332(a), 1441(b) and 1446 have removed Civil Action No. 22-297 from the Circuit Court of the First Judicial District of Hinds County, Mississippi to the United States District Court for the Southern District of Mississippi, Northern Division, on the following grounds:

1. The removed action was commenced by Plaintiff Donna Head (“Head”) on May 16, 2022, and filed in the Circuit Court of the First Judicial District of Hinds County, Mississippi, Civil Action No. 22-297. A copy of the Complaint and all other process, pleadings, orders and other matters provided to Defendants in this matter are attached hereto as a composite **Exhibit “A”** and incorporated herein by reference.

2. Plaintiff Head is an adult citizen of the state of Mississippi.

3. Defendant Jay R. Notz (“Notz”), is an adult citizen of the state of Michigan.

4. Defendant Nelson Freight Service, Inc. (“Nelson Freight”) is a foreign corporation incorporated in and with its principal place of business in the state of Wisconsin.

5. In her Complaint, Plaintiff alleges entitlement to compensatory, consequential and incidental damages in an unspecified amount for physical injuries, past, present and future physical and emotional pain and suffering; past, present and future medical expenses and any other special damages as well as punitive damages and attorney’s fees.

6. This Court has subject matter jurisdiction over this civil action pursuant to 28 U.S.C. §§ 1332(a) and 1441(b) inasmuch as there is complete diversity of citizenship between the parties and there is in excess of \$75,000.00 as the amount in controversy.

7. Removal in this matter is timely pursuant to 28 U.S.C. § 1446. This Notice of Removal has been timely filed within thirty (30) days of Defendants Jay R. Notz’s and Nelson Freight Service Inc.’s having received a copy of the initial pleading setting forth the claim for relief upon which such action or proceeding is based. All named Defendants herein join in the removal of this action to the District Court.

9. By filing this Notice of Removal, Defendants do not waive their right to object to service, service of process, sufficiency of process, jurisdiction over the subject matter, jurisdiction over the person, venue, or assert any other applicable defenses.

12. A copy of this Notice of Removal has been sent to Plaintiff's counsel and notice will also be filed with the Clerk of the Circuit Court of Hinds County, Mississippi.

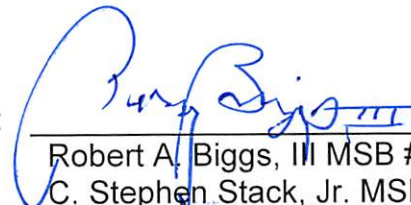
WHEREFORE, PREMISES CONSIDERED, Defendants, Jay R. Notz and Nelson Freight Service, Inc. pray that this Court accept subject matter jurisdiction over these proceedings as provided for by law.

THIS the 6th day of July, 2022.

Respectfully submitted,

**JAY R. NOTZ AND NELSON FREIGHT
SERVICE, INC.**

BY:



Robert A. Biggs, III MSB # 2541
C. Stephen Stack, Jr. MSB # 10768
Their Attorneys

OF COUNSEL:

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sstack@bpislaw.com

CERTIFICATE OF SERVICE

I, Robert A. Biggs, III, one of the attorneys for the Defendants, do hereby certify that I have this day caused to be served via United States Mail, a true and correct copy of the above and foregoing document to the following:

Hon. Arthur S. Johnston, III
U.S. District Court Clerk
United States Courthouse
501 E. Court St., Suite 2.500
Jackson, MS 39201

Hon. Zack Wallace
Hinds County Circuit Clerk
P.O. Box 327
Jackson, MS 39205

Samuel F. Creasey, Esq.
Morgan & Morgan, P.A.
4450 Old Canton Rd., Suite 200
Jackson, MS 39211

THIS the 6th day of July, 2022.


Robert A. Biggs, III